

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.4880 of 2015(O&M)
Date of decision: 31.08.2015

Parveen Kumar

... Petitioner

Versus

Hardeep Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Paramdeep Singh, Advocate for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not? YES
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Vide order being assailed dated 21.07.2015, the application moved by the petitioner for adducing additional evidence has since been declined by the Rent Controller, Fatehgarh Sahib.

In an application moved by the petitioner, it was maintained that vide additional evidence, that was sought to be produced, petitioner intends to examine Navdeep Gupta, Handwriting & Finger Prints Expert and prove his report. In fact, respondents had relied upon the rent note dated 11.10.2001, to claim that the petitioner was inducted as a tenant pursuant thereto. But the rent note, dated 11.10.2001, does not bear the signature of Narinder Kaur i.e. predecessor-in-interest of the respondents-landlord. And in a suit filed by

her i.e. Narinder Kaur v. Parveen Kumar, Navdeep Gupta, Handwriting & Finger Prints Expert, was examined and the report submitted by him substantiates this position.

In response, it was pleaded that the rent note dated 11.10.2001 was validly executed by Narinder Kaur i.e. grandmother of the respondents. And petitioner had even been tendering rent in the said suit. Therefore, acknowledged himself to be the tenant under Narinder Kaur.

On a consideration of the matter in issue, the Rent Controller dismissed the application moved by the petitioner and concluded as thus:

“Going by the contentions as raised by the respondent in his application, it becomes clear that he has nowhere disputed or denied his own signatures as they appear on the rent note dated 11.10.2001 proved on record as Ex.A1. Rather the only plea put forth by him is that the said rent note does not bear the signatures of Narinder Kaur while infact a rent note is not even required to be signed by the landlord. Still further from the documents brought on record as Ex.A6 in the shape of copy of statement of respondent Parveen Kumar in Civil Suit titled as ‘Narinder Kaur Vs. Parveen Kumar’, it is clear that by virtue of his statement recorded on 13.01.2004 the respondent tendered the arrears of rent in respect of disputed shop alongwith due interest thereon and likewise vide Ex.A7 also he tendered the arrears of rent uptill 31.03.2004 and on perusal of the said documents it becomes clear that the respondent at no point of time disputed or

denied his status as that of a tenant in respect of demised shop and the present application for additional evidence is thus apparently an attempt on the part of the respondent to delay the disposal of the case. Even otherwise the report now intended to be produced and proved by way of additional evidence having been procured by none else, but the respondent himself as per his contention even in his application under consideration, it cannot be said to be such a piece of evidence which was not within the knowledge of the respondent at the time when he was leading his evidence in the case and thus once it is shown that the intended additional evidence was well within the knowledge of the respondent even at the time he was leading his evidence in the case, production of such document by way of additional evidence is not permissible and a reference in this regard can safely be made to a Judgment of Hon'ble Supreme Court of India in the case of K.K. Velusamy Vs. N. Palanisamy reported as 2011(2) Civil Court Cases, Page 823. Accordingly, the application filed by the respondent for additional evidence is found to be misconceived, devoid of merits and stands dismissed.

Adjourned to 27.07.2015 for rebuttal evidence, if any, or for arguments."

I have heard learned counsel for the petitioner and perused the paper book.

He submits that the document that is sought to be produced by way of additional evidence is extremely crucial, as this would show that there indeed does not exist any

relationship of landlord and a tenant between the parties and, thus; ought to have been permitted to be tendered in evidence.

On a due and thoughtful consideration of the matter in issue, I am of the considered view that the petition is wholly devoid of merit and is thus liable to be dismissed for the reasons that are being recorded hereinafter.

Concededly, in the written statement filed by the petitioner, he denied the very relationship of a landlord and tenant between the parties. Accordingly, the issue in this regard was also framed. Meaning thereby, the petitioner was fully conscious of the case set out by him in defence and also as to the evidence that was required to be led to substantiate the said plea. Admittedly, both the parties have led and concluded their evidence. Of course, petitioner must have led evidence in sync with his defence to show that he was never inducted in the premises as a tenant. Likewise, he is presumed to have cross-examined the respondents in this regard. This is also not a case where the report that is sought to be proved was neither in the knowledge of the petitioner nor could be produced despite due diligence. In fact, this report was procured by none other than the petitioner himself in the other proceedings. In any case, even independently, the petitioner could lead evidence to show that the rent note dated 11.10.2001 indeed does not bear the signatures of Narinder Kaur. That being so, the application to lead additional

evidence was moved with a sole purpose to delay and derail the proceedings. That being so, the petition lacks both merit as also the bonafides.

No interference, in exercise of revisional jurisdiction, under Article 227 of the Constitution, is warranted. Petition being devoid of merit is accordingly dismissed.

August 31, 2015
Rajan

(Arun Palli)
Judge